## In the Circuit Court of the State of Oregon

For the County of	imonian
AMANDA LOPRESTI,	•
Pla	intiff(s),
vs.	19CV25762
THE KROGER CO., an Ohio corporation,	Case No
	SUMMONS
	H .
	:
CORPORATION SERVICE COMPA	<i>y</i>
10	
1127 Broadway Street NE, Suite 310	
Salem, Oregon 97301	oger Co. Defendant
Registered Agent for The Kro	oger Co. Defendant
	at filed against you in the above entitled action within thirty (30)
days from the date of service of this summons upon you, and in cas to the court for the relief demanded in the complaint.	e of your failure to do so, for want thereof, plaintiff(s) will apply
to the court for the rener demanded in the complaint.	C \ XV     -
NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!	SIGNATURE OF AUTORNEY II AUTHOR FOR PLAINTIFF Scott N. Hunt, OSB #923433
You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal document called a "motion" or	
"answer." The "motion" or "answer" must be given to the court clerk or adminis- trator within 30 days along with the required filing fee. It must be in proper form	ATTORNEY'S AUTHOR'S NAME (TYPED OR PRINTED)  621 S.W. Morrison Street, Suite 521
and have proof of service on the plaintiff's attorney or, if the plaintiff does not	ADDRESS
have an attorney, proof of service upon the plaintiff.  If you have any questions, you should see an attorney immediately. If you	Portland, Oregon 97205 (503) 248-0504
need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763	CITY STATE ZIP PHONE (503)248-2131 shunt@busseandhunt.com
(in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800)	FAX (IF ANY) ATTORNEY'S E-MAIL ADDRESS (IF ANY)
452-7636.	
	TRIAL ATTORNEY IF OTHER THAN ABOVE (TYPED OR PRINTED) BAR NO.
	<del>तामात्र ६१ क्र</del> ि
	r.
TO THE OFFICER OR OTHER PERSON SERVING THIS SUM	MONS: You are hereby directed to serve a true copy of this sum-
mons, together with a true copy of the complaint mentioned there	
which this summons is directed, and to make your proof of service	on the reverse hereof or upon a separate similar document which
you shall attach hereto.	Cutt II The control of the characters of
Some of finely and mental appropriated for other configura- tions from the state of the end of the sureman in a propriate and all the con-	ATTORNEY(S) FOR PLAINTIFF(S)
for although the disposition who defined some and by the model of a	can xemilanek tegla ar fen umlidie eutralameleist wijfaggt.  - (12) - (12) - (13) - (14) - (15) - (1
es de contra con din con la consensa de la presenta de la consensa	Page 1 of 7
Compared to the administration of the Compared to the compared	FORM No. P190 - SHMMONS
According to ORCP 7A, "a true copy of a summons and complaint" means an exact and comple the original documents. No signed certification to that effect is necessary.	ete copy of © 1985-2011 Stevens-Ness Law Publishing Co. Portland, OR www.stevensness.com BB

According to ORCP 7A, "a true copy of a summons and complaint" means an exact and complete copy of the original documents. No signed certification to that effect is necessary.

Page 1 – SÜMMONS.

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.

## **PROOF OF SERVICE**

STATE OF	, County of	) 8s.
		individuals and other legal entities to be served, named below, by delivering or leav
	nentioned therein, certified t	to be such by the attorney for the plaintiff, as follows:
Upon	· · · · · · · · · · · · · · · · · · ·	by delivering such true copies t
		personally and in person
at	اللا الله الله الله يعم وهو ولي كيد الما شاه الله الله الله الله يهم يهم يهم وليا المشاهد الله حد	, on, o'clockM
Upon		, by delivering such true copies to
		personally and in person
at		, on o'clockM
Upon	Substituted Servi	ce Upon Individual(s)*
or usual place of abode, to-wit:		
to	6.	, who is a person 14 year, at o'clockM.
of age or older and a member of the household of the	e person served on	o'clockM.
Upon	ديات اخت طف الكافحة عند بندر وبي طالا الله الكافة الدينة بنيو وبي وبي وبي وبي وبي والاطارة	, by delivering such true copies at his/her dwelling house
or usual place of abode, to-wit:		25.
to	***	, who is a person 14 year , at o'clockM.
of age or older and a member of the household of the	e person served on	o'clockM.
***	"Office Service	Upon Individual(s)
Upon	····	Upon Individual(s)*, at the office which he/she maintains for the conduct of
business at		
by leaving such true copies with	***************************************	, during normal working hours, at o'clock,M.
is apparently in charge, on		pon Individual(s)**
Unon		by mailing such true copies to him/her by first class
mail and AI SO by (check one):	stered mail with return recei	int requested $\square$ express mail
initial and response of the second of the se	Service Upon Tena	ipt requested
Upon		by delivering such true copies to
		, a person apparently in charge of
on	, at o'clc	ess being
the tenant(s) so served.		
Service on Corporations, Limited Liability Com	panies, Limited Partnershir	os, General and Limited Liability Partnerships or Unincorporated Associations
Upon	(NAME OF CORPORATION	DN. LIMITED LIABILITY COMPANY FTC.)
(a) delivering such true copies, personally	v and imperson, to	ON, LIMITED LIABILITY COMPANY, ETC.) who is a/the
E and the second	(Specify res	who is a/the gistered agent, officer (by title), managing member, general partner, etc.) thereof; OR , the person who is apparently in charge of the er, managing agent, etc.) thereof; on
(b) leaving such true copies with	3 . 17 (a) (b) (b) x) (b) v.	the person who is apparently in charge of the
office of		The state of the s
(Specify revistered agent, officer (by	title) director, general partne	er, managing agent, etc.) thereof:
at		or of the second
Dated 1997 April 1997	And the Part of the Control of	I further certify that I am a competent person 18 years of age or older and a res-
		ident of the state of service or the State of Oregon, and that I am not a party to
The state of the s	<u> Partings and Pro</u>	nor an officer director or employee of, nor attorney for any party, corporate or
	Sheriff	otherwise; that the person, firm or corporation served by me is the identical person, firm or corporation named in the action.
By		Dated
1. 4	Deputy	
entre de la companya	The Control of the Control of Control	
	,	SIGNATURE
	•	TYPE OR PRINT NAME
THE PARTY OF THE P	ang te da di Ame	the rest of the Control of the Contr
a survival of gradition and requestion and	and the art with a co	er til graffingsa fræðiga að sig A <b>PDRESS</b> og þag þóli á eilda seta eilið
જુ દિવ્ય પા છે. આ મુર્વેજાં ધૂર્વ પહેલામાં છે. દારા પાલામાં હોય જ વિદેશ	Charles and the second	water that the consultation of the state of the state of the state of the state of
1 / marshine was	All the second	CITY STATE ZIP PHONE
The signature lines on the left should be used only by an Or	egon county sheriff or deputy. A	All other servers should complete the certification on the right. The Proof of Service above con- not include proof of service upon a minor or incompetent person. See ORCP 7 D for permissi-
ale service methods with respect to particular parties.	e enon ac researchly macrible	shall cause to be mailed, by this class mail, true copies of the summons and the complaint to

\*Where substituted or office service is used, the plaintiff, as soon as reasonably possible, shall cause to be mailed, by this class mail, true copies of the summons end the complaint to the defendant of the summons and complaint are mailed. Use S.N Form No. 1149, Notice of Substituted or Office Service, or the equivalent.

"Service by mail may be made when required or allowed by ORCP 7 or by statute, except as otherwise permitted, if the summons and complaint are mailed, this certification may be made either by the person completing the mailing of by the attorney for any party, stating the circumstances of mailing and including the return receipt as an attorney completing the mailing should defete ", nor attorney for my party stating the circumstances of mailing and including the return receipt as an attorney completing the mailing should defete ", nor attorney for my party stating the circumstances of mailing and other applicable rules and statutes may affect or nullify the validity of such service.

"Where service upon it are mailed, this certification is a mailing and including the return receipt as an attachment. An attorney completing the mailing and return receipt as an attachment of the address at which the mail agent receives mail for the defendant(s) and to any other mailing address of the defendant(s) then known to the plaintiff, together with a statement of the date, time, and place at which delivery was made.

Exhibit A

## 6/11/2019 10:13 AM 19CV25762

1	·	
2		
3		
4	DI TUTE CID CIVITA COLIDA	
5	IN THE CIRCUIT COURT C	OF THE STATE OF OREGON
6	FOR THE COUNTY	Y OF MULTNOMAH
7	AMANDA LOPRESTI,	Case No.
8	Plaintiff,	COMPLAINT
9 <b>10</b>	v.	(Injured Worker Discrimination; Statutory Discrimination; Wrongful Discharge)
11	THE KROGER CO., an Ohio corporation,	
12	Defendant.	CLAIMS NOT SUBJECT TO MANDATORY ARBITRATION
13 14		Prayer Amount: \$600,000 Filing Fee Statute: ORS § 21.160(c)
15	Plaintiff alleges:	
16	FIRST CLAIN	4 FOR RELIEF
17		
18	(Injured Worker Discrimination)	
19		1.
20	Plaintiff is a resident and citizen of the State of Oregon.	
21	2	2.
22	Defendant is an Ohio corporation. At a	all material times Defendant employed six or
23	more employees in the state of Oregon. At all	
24		<b>.</b>
25	and employees, who at all material times acted	within the course and scope of their agency
26	and employment for Defendant.	
Page	1 - COMPLAINT BUSSR &	HUNT

BUSSE & HUNT
Attorneys at Law
521 AMERICAN BANK BUILDING
621 S.W. MORRISON STREET
PORTLAND, OREGON 97205
TELEPHONE: (503) 248-0504

3.
Defendant employed Plaintiff from on or about November 11, 2012 until May 14,
2019, when Plaintiff was terminated. Prior to Plaintiff's termination, and on or about
February 20, 2019, Plaintiff suffered a work-related injury to her shoulder and lower back
and filed a workers' compensation claim.
4,
Defendant terminated Plaintiff in substantial part because she suffered a work-related
injury, and/or filed a workers' compensation claim, and/or had invoked and/or utilized the
benefits and procedures of the workers' compensation laws of the state of Oregon.
5.
As a result of said discrimination, Plaintiff has suffered and continues to suffer
emotional distress all to her non-economic damage in an amount to be proven at trial, which
sum is alleged to be \$500,000.
6.
As a further result of said discrimination, Plaintiff has suffered and continues to suffer
economic damages in an amount to be proven at trial, which amount is alleged to be not
greater than \$100,000.
7.
Defendant acted with malice and/or demonstrated a reckless and outrageous
indifference to a highly unreasonable risk of harm and acted with a conscious indifference to
the health, safety and welfare of Plaintiff, and Plaintiff reserves the right to allege punitive
damages pursuant to ORS 31.725 and 31.730.

Attorneys at Law
521 American Bank Building
621 S.W.MORRISON STREET
PORTLAND, OREGON 97205
TELRPHONE: (503) 248-0504

1	8.
2	Plaintiff is entitled to her reasonable attorneys' and expert witness fees pursuant to
3	ORS 659A.885 and ORS 20.107, respectively.
4	SECOND CLAIM FOR RELIEF
5	(Statutory Discrimination - ORS 654.062)
6 7	9.
8	
9	Plaintiff realleges paragraph 1 through 8.
10	10.
11	Prior to Plaintiff's termination she reported to Defendant and/or opposed what she
12	believed in good faith to be unsafe conditions or unsafe work practices, related to being
13	required to use a step stool that was prone to tipping over when in use.
14	11.
15	A substantial factor in Defendant's termination of Plaintiff was that she had reported
16 17	to Defendant and/or opposed what she believed in good faith to be unsafe working conditions
18	and/or work practices.
19	12.
20	Plaintiff is entitled to her reasonable attorneys' and expert witness fees pursuant to
21	ORS 654.062; ORS 659A.885 and ORS 20.107, respectively.
22	THIRD CLAIM FOR RELIEF
23	
24	(Wrongful Discharge)
25	13.
26	Plaintiff realleges paragraph 1 through 7, 10 and 11.
Page	3 - COMPLAINT BUSSE & HUNT

Attorneys at Law
521 AMERICAN BANK BUILDING
621 S.W.MORRISON STREET
PORTLAND, OREGON 97205
TELEPHONE: (503) 248-0504

1	14.
2	Plaintiff was terminated in substantial part for pursuing an important employee-
3	related right to work in a safe work environment and/or to use safe equipment.
4	WHEREFORE, Plaintiff prays for judgment as alleged in the claims stated above.
5	
6	DATED this 11th day of June, 2019.
7	BUSSE & HUNT
8	
9	Sold III V
10	SCOTT N. HUNT, OSB #923433
11	Telephone: (503) 248-0504
12	shunt@busseandhunt.com Of Attorneys for Plaintiff Amanda Lopresti
13	TRIAL ATTORNEY:
14	SCOTT N. HUNT, OSB #923433
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
Dage	

BUSSE & HUNT
Attorneys at Law
521 American bank building
621 S.W. MORRISON STREET
PORTLAND, OREGON 97205
TELEPHONE: (503) 248-0504

4 - COMPLAINT



## **Notice of Service of Process**

LYN / ALL Transmittal Number: 19976231 Date Processed: 06/20/2019

**Primary Contact:** 

Venessa C. Wickline Gribble

The Kroger Co. 1014 Vine Street

Cincinnati, OH 45202-1100

Entity:

The Kroger Co.

Entity ID Number 2171751

**Entity Served:** 

The Kroger Co.

Title of Action:

Amanda Lopresti vs. The Kroger Co.

Document(s) Type:

Summons/Complaint

Nature of Action:

Discrimination

Court/Agency:

Multnomah County Circuit Court, OR

Case/Reference No:

19CV25762

Jurisdiction Served:

Oregon

Date Served on CSC:

06/19/2019

**Answer or Appearance Due:** 

30 Days

Originally Served On:

CSC

How Served:

Personal Service

Sender Information:

Scott N. Hunt 503-248-0504

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com